

Item No.	Classification: Open	Date: 14 April 2022	Meeting Name: Strategic Director for Children's and Adults' Services
Report title:		Gateway 3 – Reablement contract extension	
Ward(s) or groups affected:		All	
From:		Director of Commissioning	

RECOMMENDATION

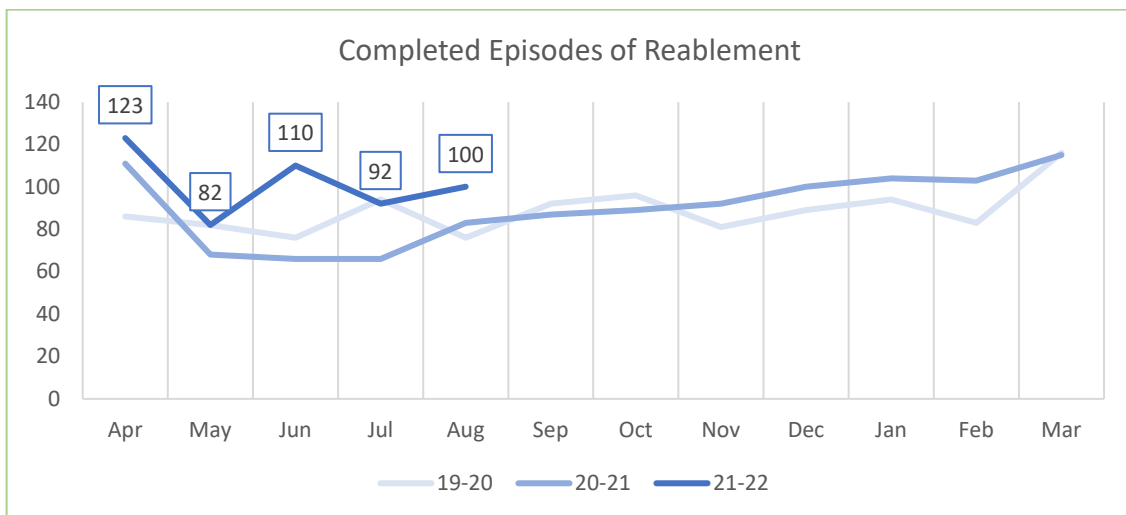
1. That the Strategic Director for Children's and Adults' Services formalise the contract extension for the Reablement Service from 3 January 2022, for a period of five months until 31 May 2022.

BACKGROUND INFORMATION

2. The Care Act (2014) places a duty upon councils to meet the needs of service users and their carers with an integrated strategy to 'prevent and delay' the need and intensity of long-term care and support. It recognises that effective interventions at the right time can stop needs from escalating and help people to maintain their independence for longer. It supports the development of services which improve people's independence and well-being through active, preventative services, rather than waiting for people to reach crisis point.
3. There are many ways in which a local authority can achieve the aims of promoting wellbeing and independence. A reablement offer can form part of the formal interventions that are classified as tertiary prevention. It can minimise the effect of disability or deterioration for people with established complex health conditions.
4. The Reablement Service is a short-term service per individual service user for up to six weeks. It is a structured therapy-led intervention to maximise an individual's independence and self-care and improve well-being. An effective Reablement Service improves an individual's outcomes and supports managing Adult Social Care demand by reducing the costs of on-going care and support.
5. The Care Act 2014 requires that intermediate care and reablement must be provided free of charge for up to six weeks irrespective of whether a person has eligible needs for ongoing care and support.
6. The current provider secured the contract for the reablement service under emergency powers from 29 October 2018 until 30 June 2019. Through a single supplier negotiation process, they were directly awarded the contract from 1 July 2019 until 30 September 2020. The contract was extended for four months from 1 October 2020 until 31 January 2021 to enable continuity

of service. It was subsequently agreed to extend it again from 31 January 2021 to 30 September 2021 and for a further 3 months from 1 October 2021 to 3 January 2022.

7. Cabinet gave approval on 7 April 2020 to undertake a procurement to deliver a borough wide reablement service with a single supplier. Cabinet also noted that a contract extension would be required to support the necessary procurement and governance steps required.
8. The current service is commissioned to deliver 1,400 hours a week of reablement care that supports Southwark residents to live in their homes. This report seeks approval for extending the current contract to ensure continuity of the service until the procurement process is completed and the new contract has been awarded and mobilised. Under current contractual arrangements the council only pays for commissioned hours. Additional hours are purchased on a spot basis from home care providers contracted by the council, if demand exceeds 1,400 hours a week. Service activity is monitored weekly to ensure that the block contract is fully utilised.
9. The graph below indicates levels of reablement activity over the last few years. It shows the number of completed reablement care packages each month between 2019 and 2022. The trend in the number of reablement placements has risen each year. So far in 2021/22, there has been an average of 101 reablement care packages completed each month. This is an increase on the annual averages for both 2019/20 (89) and 2020/21 (90). However, the beginning of the Covid-19 pandemic in March 2020 seems to have led to a significant drop in completed reablement care packages in May 2020 which rose in successive months.



10. The average length of reablement care packages in Southwark has risen in the last year to 40 days in 21/22 from 27 days for the same period in 2020/21 and 33 days in 2019/20. There has been a reduction in the proportion reablement care packages resulting in no ongoing package of care compared to previous years from 57% in 2019-20 to 48% in the year to date.

This suggests that level of need has grown in the last few years as we accept more complex cases out of hospital.

11. Over the past year the Reablement Service has achieved an average reduction of 9.8 hours of support needed by service users exiting reablement because of the intervention provided. On commencing reablement, services users had an average allocation of 18 hours of support per week. At the point of discharge from reablement, service users' average weekly support needs had reduced to 8 hours. This compared to 5.7 hours in 2019-20; further demonstrating the increased complexity of residents' using the service.
12. The current reablement provider works in close partnership with Intermediate Care Southwark which is the integrated reablement and rehabilitation service jointly provided by Southwark Council Adult Social Care and Guys & St Thomas' Hospital Trust (GSTT) Community Health Services. The provider delivers a responsive service which works with the multi-disciplinary Intermediate Care Southwark team to deliver person-centred reablement support.
13. There are weekly operational meetings between the Adult Social Care Team and the reablement provider and once a month the meetings are used to discuss learning from any quality alerts, complaints, compliments and any safeguarding cases. The provider has effectively addressed any service delivery issues and quality concerns raised at these meetings in a timely and proactive manner.

KEY ISSUES FOR CONSIDERATION

Key aspects of proposed extension

14. It is proposed that the current contract be extended from 3 January 2022 to 31 May 2022.

Reasons for extension

15. The proposed extension is due to the delay in the procurement exercise whilst further assurances were sought regarding mobilisation of the service. Extending the contract will also allow for a time period of 3 months for the new provider to mobilise the service.

Future Proposals for this Service

16. A procurement exercise has been undertaken to award a three year contract (with the option to extend for a further two years) to a provider expected to take place in February 2022. This GW3 report extends the contract period of the incumbent provider to allow the mobilisation of the new provider.

Alternative Options Considered

17. N/A

Identified risks for the Variation

18. The following risk have been identified for this service extension:

No.	Risk	Level	Mitigating Action
1	Financial viability of the provider	Low	The provider is a well-established service provider which also provides home care services to the council.
2	The incumbent provider does not wish to continue with the existing contract	Low	The current provider has agreed to continue the existing contract during the extension period.
3	Further disruption caused by a third wave of Covid-19 impacting on referrals	Low	Officers will regularly review the impact of national and any local preventative and safeguarding measures on the social care workforce and on demand for care and support services. Utilisation of weekly contracted hours will be monitored monthly to ensure maximisation of use. This approach will be supported by on-going engagement and liaison with the provider

Policy framework implications

19. Southwark's vision for Adult Social Care recognises the need to work with partners across the whole health and social care system to improve well-being and reduce the need for long term care and improve support for those with long term conditions.
20. The Council and the Clinical Commissioning Group (CCG)'s joint commitment is set out in Southwark's Five-Year Forward View (FYFV) which is to improve the way our local health and social care system operates to bring about the best possible health and care outcomes for the people of Southwark.
21. A Reablement Service is an essential element of national policy to provide health and care closer to home, enhance independence, and reduce and avoid hospital admissions.
22. The Council's Fairer Future Procurement Framework (FFPF) supports the council's vision for a fairer future for all in Southwark so that the council can honour its promise to deliver value for money and quality services.

23. The refreshed Council Plan 2018-2022 includes the Fairer Future commitment to treat residents as if they were a valued member of our own family and this service contributes to the theme of 'Tackling health inequalities'.

Contract management and monitoring

24. The contract will be monitored and managed by the commissioning division working closely with colleagues in Adult Social Care and Guys and St Thomas' Trust (GSTT) with respect to:

- Compliance with the specification and contract terms and conditions
- Key Performance indicators
- Quality alerts
- Complaints
- Contract hours delivered
- Acceptance and timeliness of referrals
- Costs and
- Risk management
- Annual performance reports

Community, equalities (including socio-economic) and health impacts

Community impact statement

25. Southwark's Borough Plan describes the vision for the borough and sets out priorities and promises to the people of Southwark. The Council Plan was refreshed in 2020 to consider the progress made since 2018 when it was first developed and to reflect the new demands and priorities Southwark faces together from the COVID-19 pandemic.

26. Southwark Council's Borough Plan expresses its commitment to support and protect our most vulnerable residents, and to do everything possible to make it easy for residents in Southwark to lead healthy and active lives. The procurement strategy and this contract support this ambition by supporting residents to remain safe and well in their own home.

27. Of the 613 users of the reablement service between September 2020 and September 2021, approximately 79.72% were for 65 years of age and over and 56.08% were for women, which is linked to longer life expectancy for women. 34.82% of reablement service users over this period were from Black, Asian and Minority Ethnic groups in Southwark. This is lower than the overall proportion of people (48.93%) from Black, Asian and Minority Ethnic communities in the borough.

28. The delivery of this service contract aligns with Southwark's Borough Plan, specifically promoting independence, safety, social inclusion and quality of life for residents through enabling access to reablement services and creating a fairer future for all with reduced health inequalities.

29. Southwark Council have recently embarked on the Southwark Stands Together programme which brings together local organisations, community groups and individuals across the borough committing to identify, and then implement solutions to address entrenched racism and injustice. It recognises the importance of listening to the voice of the workforce to hear their concerns and most importantly identify solutions to address areas of inequality by taking positive action to address these imbalances. In addition, the programme seeks to ensure we meet the needs of our residents and ensure those from all ethnic backgrounds are treated equally and fairly and receive the same service.
30. Partnership Southwark is a Local Care Partnership within the South East London Integrated Care System, working with other health, care and non-statutory organisations and local communities to bring together services and support at a neighbourhood level so that they do a better job of keeping people healthy and meeting their needs. Since 2019, they have been working to better join up services and support, tackle the causes of inequality, and improve the health and wellbeing of Southwark residents.
31. The Partnership Southwark Older Adults and People with Complex Needs commissioning team's core business is to work to deliver the Borough Plan commitments and the objectives of NHS Long Term Plan locally. To achieve this the team has been remodelling residential care provision and homecare/reablement services to ensure that the provision meets the needs of our local residents and is also developing a residential care charter to improve standards of care.

Equalities (including socio-economic) impact statement

32. The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:
 - The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and
 - Foster good relations between those who have protected characteristics and those who do not
33. 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. The council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce.
34. There is also a duty under the Equality Act to foster good relations between persons who share a relevant protected characteristic and those who do not share it. Age and disability are "protected characteristics" under the Equality Act 2010 and the outcome of the proposed procurement strategy will particularly benefit older people and those living with complex conditions.

Health impact statement

35. The COVID-19 pandemic impacted all groups but particularly people from Black, Asian and minority ethnic communities, low-income households and those with disabilities. The delivery of the reablement service in the community for adults helps to improve the health of both staff and residents in Southwark.
36. By adhering to Southwark's ethical care charter, all staff employed by the reablement provider will be paid the London Living Wage, for their travel time between jobs as well as occupational sick pay. It will therefore reduce health inequalities by ensuring people from socio-economic disadvantage are better remunerated for their work and will lead to a more stable, well-equipped workforce that is able to deliver high quality, consistent care for service users.
37. One of the Borough Plan's key aims is to support and protect vulnerable residents so that they can lead healthy and active lives. The delivery of reablement services will enable many older and disabled residents to live safely and independently at home, many of whom are recovering from illness after discharge from hospital. It will provide them with the care and support they need to live healthy and fulfilled lives and prevent many from having to be admitted to residential or nursing care.

Climate change implications

38. The climate change strategy has five priorities and the social value from this procurement will contribute to the priority of 'Active & Sustainable Travel'. More specifically, the strategy's ambition is that Southwark will 'be a borough where walking and cycling becomes the default way to get around'.
39. As part of the Council's commissioning role, we will work with the current provider to maintain good environmental practice by, for example, including route planning that promotes walking and reduces carbon footprints and offering staff a 'Cycle to Work' scheme. The frontline reablement workforce is necessarily mobile and tends to be predominantly local residents and therefore walking and cycling are achievable initiatives.

Social Value considerations

40. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well-being of the local area can be secured. The details of how social value will be incorporated are set out in the following paragraphs.
41. The service provides support to Southwark residents to enhance their independence and well-being.

42. The current provider has implemented a range of measures to foster social value including:
- Providing residents with employment opportunities
 - Providing training placement opportunities for local residents; and
 - Prioritising spending the Southwark pound in Southwark by using local produce and local suppliers of services wherever economically possible.

Economic considerations

43. Most of the provider staff are Southwark residents, thus generating local employment opportunity. Specialist reablement service provision will involve reablement care workers working alongside professional therapy staff and provide exposure to new ways of working and the development of a broader skills set which will support career progression for them.

Social considerations

44. Social Value can include contributions to the local economy. This is achieved through creating employment opportunities for Southwark residents at all levels wherever possible and by paying the London Living Wage. The current provider also offers apprenticeships, work experience opportunities and employment opportunities to people with learning disabilities.
45. The Southwark Ethical Care Charter (SECC) to which the council is committed within the Fairer Future Procurement Framework (FFPF) establishes a minimum baseline for safety, quality and dignity of care by ensuring fair employment conditions for care and support staff, including sustainable pay conditions and training.
46. The current provider has demonstrated compliance with the Southwark Ethical Care Charter which provides a commitment to:
- Pay the London Living Wage
 - Pay travel time
 - No zero-hour contracts unless this is the preference of the employee.

Environmental/Sustainability considerations

47. The current provider has environmental policies in place that consider the employment of local people and compliance with the FFPF.

Financial Implications

48. The reablement contract is part funded from IBCF funding of £1m annually. There is sufficient money in the Adult Social Care budget to cover the proposed contract extension.

Legal Implications

49. Please see the concurrent report of the Director of Law and Governance below.

Consultation

50. Monitoring has shown that the provider has met all key performance indicators and continues to work in partnership with the council and agreed policy commitments.

Other implications or issues

51. None.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance REF: [73AS2021-22]

52. The Strategic Director of Finance and Governance notes the recommendations of this report to extend the existing contract with the current provider for the delivery reablement services for 5 months from 3rd January. Funding for the contract has been identified in the Finance concurrent section of the report in paragraph 48.

Head of Procurement

53. This report seeks approval from the Strategic Director of Children's and Adults' Services to extend the Reablement service with the current provider for 5 months from 3 January 2022 to 31 May 2022. Contract management and monitoring is detailed in paragraph 24 and Thames Home care pay above LLW.

Director of Law and Governance

54. The estimated cumulative value of the proposed contract, including the proposed extension is above the advertising threshold for "light touch" services set out in the Public Contracts Regulations (PCR) 2015 and the contract does not contain express provision for further extension. This means that a fresh procurement exercise is required unless it is possible to satisfy one or more of certain limited permitted grounds for "modification" under the PCR.

55. Regulation 72 permits modifications in cases where, irrespective of their value, they are not substantial within the meaning of Regulation 72(8). The proposed further extension is not considered to fall within any of the conditions set out in Regulation 72(8) – for example, the modification would not:

- i. Render the contract materially different from the one initially concluded.
- ii. Change the economic balance of the contract in favour of the service provider.
- iii. Extend the scope of the contract considerably.

56. Therefore, the likelihood of and risks arising from any challenge to the proposed variation is considered to be low. The report notes the steps which are being taken to procure a new contract for the delivery of these services and also notes the delay caused by the Covid-19 pandemic which has made it necessary to seek a further extension of the existing contractual arrangements.

57. The proposed contract variation is consistent with domestic procurement and equalities legislation and the decision to approve the report recommendation is one which is reserved to the Strategic Director of Children and Adults, in line with the council's Contract Standing Orders.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council's Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report (and as otherwise recorded in Part B below).

Signature  Date 14 April 2022
 Designation **David Quirke - Thornton**
Strategic Director for Children's and Adults' Services

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions that are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see 'FOR DELEGATED DECISIONS' section of the guidance).

1. DECISION(S)
As set out in the recommendations of the report.

2. REASONS FOR DECISION

As set out in the report.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION

None.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION *

None.

* Contract standing order 6.6.1 states that for contract Variations with an Estimated Contract Value of £100,000 or more, the lead contract officer (LCO) must consult with the relevant cabinet member before the decision is implemented.

5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

None.

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.

Signature



Date 14 April 2022

David Quirke - Thornton

Designation **Strategic Director for Children's and Adults' Services**

7. CONSIDERATION GIVEN TO WHETHER, AS A NON-KEY DECISION, THIS SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

Signature  Date 14 April 2022
David Quirke - Thornton
 Designation **Strategic Director for Children's and Adults' Services**

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as "Regulation 13(4)".

BACKGROUND PAPERS

Background Papers	Held At	Contact
Gateway 1 – Procurement Strategy Approval.	Joint Commissioning Group Older People and Complex Needs Children's and Adults' Services 160 Tooley Street, London SE1 2QH	Jonathan McInerny 020 7525 1687
Link: http://moderngov.southwark.gov.uk/documents/s88153/Report%20GW1%20Procurement%20Strategy%20approval%20-%20reablement%20services.pdf		
Council Plan June 2018 Cabinet report	Joint Commissioning Group Older People and Complex Needs Children's and Adults' Services, 160 Tooley Street, London SE1 2QH	Jonathan McInerny 020 7525 1687
Link: http://moderngov.southwark.gov.uk/mgConvert2PDF.aspx?ID=75950&ISATT=1#search=%22council%20plan%22		

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
Report Author	Jonathan McInerny, Programme Manager, Adults, Older People and Complex Needs	
Version	Final	
Dated	14 April 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	N/a	N/a
Cabinet Member	Yes	No
Date final report sent to Constitutional	14 April 2022	